

1 A. There's two more pages that aren't attached
2 to this. Says see attached exhibit.

3 Q. All right. Do you know the address that
4 Mr. Stoltzfoos resided at off the top of your head?

5 A. I don't recall.

6 Q. Would that be in your records --

7 A. Yes.

8 Q. -- reports? I'll get back to that.

9 If I suggested to you that the address was
10 232 Groffdale Road, would that refresh your recollection?

11 A. That's correct.

12 Q. That's in Lancaster County?

13 A. Yes, sir.

14 Q. Thank you.

15 MR. PORTMAN: May I approach the witness,
16 Your Honor?

17 THE COURT: You may.

18 BY MR. PORTMAN:

19 Q. I've handed you what was previously marked as
20 Commonwealth's Exhibit 20. Do you recognize that?

21 A. Yes, sir.

22 Q. Could you please tell us, without going into
23 the contents of it, what it is and when you first saw
24 that?

25 A. I first saw this yellow piece of paper, it

1 was all folded up little, small. I saw it on or about
2 March 17th. Mr. Stoltzfoos pulled it out of his wallet.

3 Q. And can you tell us where you were in contact
4 with Mr. Stoltzfoos? On or about March 17th you're
5 talking about, 2006?

6 A. Yes, sir. We were at New Holland Police
7 Department in the Council Chambers room, an interview
8 room.

9 Q. And can you please tell us, again without
10 going into the contents of what's on Exhibit 20, what it
11 is to the best of your ability?

12 A. Yeah. It was -- Mr. Stoltzfoos read this
13 statement to us.

14 Q. Is it typed, handwritten?

15 A. Handwritten. I was -- it was myself,
16 Detective Jonathan Heisse and yourself was in the room.

17 Q. Okay. Directing your attention to that
18 document, if you would please read to the jurors what is
19 contained on the first line.

20 A. Yes, sir. It says, I have worked for more
21 than 22 years.

22 Q. And how about what's on the second line?

23 A. I had money in my personal safe.

24 Q. And the third line?

25 A. I decided to put money in bank and have one

1 year CD's opened by 4/23/06.

2 Q. And continuing please.

3 A. I needed the money so I could buy new truck
4 this fall.

5 Q. And please continue.

6 A. I knew that when you withdrew \$10,000 cash or
7 deposit \$10,000 cash, a form has to be filled out.

8 Q. And would you please read the next line.

9 A. I found this out in fall of 1999 before the
10 new millennium.

11 Q. And the next line please.

12 A. I don't want no part of government
13 investigation or harassment.

14 Q. Okay. In addition to the information written
15 down on that form, was there any identification attached
16 to that that indicated personal information regarding
17 yourself, me or Detective Heisse?

18 A. Yes, sir. Mr. Stoltzfoos wanted some contact
19 numbers. Stevan Kip Portman's phone numbers are on
20 there, my name and phone number is on there and Detective
21 Jon Heisse's name and phone number's on there. And that
22 was affixed to that when I got my hands on this.

23 Q. Following that meeting you just described,
24 did Mr. Stoltzfoos leave that meeting with that paper?

25 A. Yes, sir, he did.

1 Q. And when did you next see that document?

2 A. When I executed search warrant number 11 at
3 where Levi was living with his parents. At his -- in his
4 bedroom I found that same one.

5 Q. Do you recall where it was when you found it?

6 A. Right by his bed. There was a desk by his
7 bed there and there was -- it was just laying out there.

8 MR. PORTMAN: If I may have a second, Your
9 Honor.

10 May I approach the witness, Your Honor?

11 THE COURT: You may.

12 BY MR. PORTMAN:

13 Q. Mr. Licklider, I've handed you what's
14 previously been marked as Commonwealth Exhibits 30
15 and 31. Would you please take a look at those?

16 A. Yes, sir.

17 Q. Do you recognize Exhibit 30?

18 A. Yes, sir.

19 Q. Would you please tell us what it is?

20 A. This is an account -- opening account
21 statement form, signature card form for the account. It
22 has Mr. Stoltzfoos' signature on there and it's -- and we
23 also have the deposit tickets for Mr. Stoltzfoos on that
24 account.

25 Q. All right. Going back to Exhibit 30, is

1 there a particular bank that references?

2 A. Yes, sir. It's Bank of Lancaster County.

3 Q. Okay. And is there a date indicated when
4 it's opened? I believe if you look, it would be at the
5 top of the form.

6 A. March 10th, 2004.

7 Q. And is there an address listed for the
8 account holder?

9 A. P.O. Box 84, Smoketown, PA.

10 Q. And is there an indication of the account
11 number for this particular account? I believe -- you can
12 check the form -- it would be on the right-hand side.

13 A. Yes, sir. It's 9020010147.

14 Q. And when did you first see that form?

15 A. When I received the documents pursuant to the
16 search warrant.

17 Q. And what did you do with those documents when
18 you received them?

19 A. I did an analysis of them and saw when the
20 deposits took place and the amount of the deposits.

21 Q. Next directing your attention to the
22 Exhibit 30, please briefly describe -- excuse me,
23 Exhibit 31 -- what those consist of.

24 A. It's a deposit ticket and the amount for the
25 Bank of Lancaster County. It's dated January 6th, '06 at

1 the top. And the amount of the deposit is \$10,000.

2 Customer name, it has Levi L. Stoltzfoos, and it has the
3 account number 9020010147.

4 Q. And are there more documents attached to
5 Exhibit 31?

6 A. Yes, sir.

7 Q. And what is the next document?

8 A. Thirty-one A is a teller ticket. Has his
9 name on it, \$10,000, and it shows that it cleared on
10 January 9th, '06.

11 Q. And the next document that's provided?

12 A. It's a deposit ticket for Mr. Levi
13 Stoltzfoos, the same account number which I previously
14 testified to. This amount, however, was \$9,900 and it
15 was in Mr. Stoltzfoos' name. And that account cleared --
16 pardon me. That deposit cleared on 1/17/06.

17 Q. And is that information contained on another
18 document?

19 A. Yeah. That's on the teller ticket. I'm
20 sorry. Yes, sir.

21 Q. Does that have a separate exhibit number,
22 sir?

23 A. Yes. That's 32-A.

24 Q. Next in your exhibit --

25 THE COURT: I'm sorry. Did you say 32-A?

1 THE WITNESS: That's correct, Your Honor.

2 BY MR. PORTMAN:

3 Q. -- should be what was previously marked as
4 Commonwealth Exhibit 33. Can you please tell us about
5 that?

6 A. Yes, sir. That's a deposit ticket. Again,
7 it's Mr. Stoltzfoos' same account number which I
8 previously testified to. The amount is the same, \$9,900.
9 And that took place on January 19th, '06.

10 Q. And how about 33-A?

11 A. Thirty-three A is the teller ticket for that
12 deposit. And that cleared on January 20th, 2006.
13 \$9,900.

14 Q. And Commonwealth's Exhibit 34, do you
15 recognize that?

16 A. Yes, sir. Again, it's a deposit ticket for
17 Levi Stoltzfoos, same account number, and this amount was
18 \$9,500.

19 Q. And 34-A, do you recognize that exhibit?

20 A. Yes, sir. That was the teller ticket for
21 that deposit. And that cleared on January 23rd, 2006.

22 Q. And Commonwealth's Exhibit 35, do you
23 recognize that?

24 A. Yes, sir. It was a deposit, as my -- all
25 these deposits were cash deposits. It was January 27th,

1 2006 and the amount was \$9,000. Same account number of
2 Mr. Stoltzfoos' account.

3 Q. How about for Exhibit 35-A?

4 A. That was a teller ticket showing that had
5 cleared on January 30th, 2006.

6 Q. And what was previously marked as
7 Commonwealth's Exhibit 36, do you recognize that?

8 A. Yes, sir. It's another cash deposit
9 for \$9,000. Same account number. Mr. Stoltzfoos.

10 Q. And how about the next document?

11 A. And that cleared on February 6th, 2006.

12 Q. And what is the exhibit number on that,
13 please?

14 A. Thirty-six A.

15 Q. Referring you to Exhibit 37, do you recognize
16 that?

17 A. Yes, sir. That's a deposit ticket; the same,
18 Levi Stoltzfoos' account. Cash deposit was \$9,000. And
19 that took place on February 11th, '06.

20 Q. And Commonwealth's Exhibit 37-A, do you
21 recognize that?

22 A. Yes. And that cleared -- the teller ticket
23 cleared on February 13th, for a 9,000-dollar cash
24 deposit.

25 Q. Each of those items that you've just

1 testified to, Commonwealth's Exhibits 30 through 37-A,
2 are those the documents you received when you executed
3 the search warrant to the Bank of Lancaster County?

4 A. That's right.

5 Q. And those are photocopies of the documents,
6 correct?

7 A. Yes, sir.

8 MR. PORTMAN: If I may approach.

9 BY MR. PORTMAN:

10 Q. Mr. Licklider, I've handed you what have been
11 previously marked as Commonwealth's Exhibits 40
12 through 45. Do you recognize those documents?

13 A. Yes, sir, I do.

14 Q. Directing your attention to Commonwealth's
15 Exhibit 40, can you please identify that for us?

16 A. Yes, sir. This is the signature card for the
17 account -- opening account of Mr. Levi Stoltzfoos. And
18 it's -- the other ones are the deposit tickets for the
19 corresponding deposits.

20 Q. With respect to Commonwealth's Exhibit 40,
21 could you please tell us the account number, if it's on
22 there, and the date that it was opened if that
23 information is on there.

24 A. Sure. The account number was 3026001651 and
25 the opening date was 1/19/2006. It has Levi Stoltzfoos'

1 name typed on there, has his signature on there and his
2 Social Security number is underneath of it.

3 Q. Now, with respect to the account opening
4 document in front of you, Commonwealth's Exhibit 40, does
5 it indicate the initial deposit and, if so, whether it
6 was by cash, check or other means?

7 A. It was \$9,900 in cash on January 19th, '06.

8 Q. Next directing your attention to
9 Commonwealth's Exhibit 41, could you please identify that
10 for us?

11 A. I'm sorry, what number did you say?

12 Q. Forty-one.

13 A. That was the cash deposit for \$9,900.

14 Q. And the date?

15 A. January 19th, '06.

16 Q. And that corresponds to the opening deposit?

17 A. Yes, sir.

18 Q. Next directing your attention to
19 Commonwealth's Exhibit 42, do you recognize that?

20 A. Forty-two is a 9,500-dollar cash deposit.

21 Q. And the date?

22 A. The teller date is the same date, on
23 January 21st, '06.

24 Q. And that's into the Coastal Savings Bank; is
25 that correct?

1 A. That's correct. The same account number.

2 Q. And Commonwealth's Exhibit 42, please tell us
3 what that is.

4 A. That's the one which I just testified to,
5 the \$9,500.

6 Q. Commonwealth's 43.

7 A. Forty-three was a cash deposit of \$9,000 in
8 the same Levi Stoltzfoos' Coatesville Savings account
9 number.

10 Q. And the date?

11 A. 11/28/06. And the teller cleared it on the
12 same date, 11/28/06.

13 Q. And next directing your attention to
14 Commonwealth's 44, do you recognize that?

15 A. Yes, sir.

16 Q. Could you please tell us what that is?

17 A. That's another cash deposit. The amount
18 is \$9,000 into the same account on February 4th, '06, and
19 the teller stamp shows February 4, 2006.

20 Q. And the next document, Commonwealth
21 Exhibit 45, do you recognize that?

22 A. Yes, sir. It's a 5,200-dollar cash deposit
23 on February 11th, 2006; same account and the teller stamp
24 is the same date.

25 Q. The exhibits you've just testified to,

1 Commonwealth's Exhibits 40 through 45, did you receive
2 those from Coatesville Savings Bank as a result of
3 executing the search warrant you previously testified to
4 at that bank?

5 A. That's correct.

6 MR. PORTMAN: If I may approach, Your Honor?

7 THE COURT: You may.

8 BY MR. PORTMAN:

9 Q. I've handed you what have been previously
10 marked as Commonwealth's Exhibits 50 through 55. Do you
11 recognize those?

12 A. Yes, sir, I do.

13 Q. And can you please tell us what Exhibit 50
14 is?

15 A. Exhibit 50 is the signature card when
16 Mr. Stoltzfoos opened up the account at Ephrata National
17 Bank. The account number was 8882011 [sic]. And the
18 date it was opened was January 9th, 2006 in the name of
19 Levi Stoltzfoos.

20 Q. Next directing your attention to what was
21 previously marked as Commonwealth's Exhibit 51, can you
22 identify that for us please?

23 A. Yes, sir.

24 Q. What is that?

25 A. It's a deposit ticket for \$9,900 into the

1 account which I just said. The amount was \$9,900 and the
2 date was January 17th, 2006.

3 Q. Would you please double-check that date,
4 please?

5 A. I'm sorry. January 7th, [sic] 2006.

6 Q. Next I'd like to direct your attention to
7 what was previously marked as Commonwealth's Exhibit 52.
8 Do you recognize that?

9 A. Yes, sir. It's a cash deposit into
10 Mr. Stoltzfoos' account. The amount was \$9,900.

11 Q. And the date of the deposit?

12 A. January 14th, 2006.

13 Q. And is this again into the Ephrata National
14 Bank?

15 A. That's correct.

16 Q. Next directing your attention to
17 Commonwealth's Exhibit 53. Can you identify that for us?

18 A. Yes, sir. It's another cash deposit into the
19 Levi Stoltzfoos account. The amount was \$9,900 and the
20 date was January 19th, 2006.

21 Q. Commonwealth's Exhibit 54, can you identify
22 that for us?

23 A. That's another cash deposit ticket in the
24 amount of \$9,500 into the Levi Stoltzfoos account, and
25 the date of the deposit was January 21st, 2006.

1 Q. And Commonwealth's Exhibit 55, can you
2 identify that for us please?

3 A. Yes, sir. It's another cash-in deposit
4 ticket for \$9,000 into the Levi Stoltzfoos account, and
5 the deposit date was January 28th.

6 Q. And with respect to Commonwealth's Exhibits
7 50 through 55 which you've just testified to, are those
8 documents that you received from the Ephrata National
9 Bank with respect to executing your search warrant there?

10 A. That's correct.

11 MR. PORTMAN: If I may approach, Your Honor?

12 THE COURT: You may.

13 BY MR. PORTMAN:

14 Q. I've just handed you what have previously
15 been marked as Commonwealth's Exhibits 60 through 66-A.
16 Would you please look through those?

17 A. Yes, sir.

18 Q. Do you recognize those documents?

19 A. I do.

20 Q. Directing your attention to Commonwealth's
21 Exhibit 60, can you please tell us what that is?

22 A. That's an opening account signature card for
23 Levi Stoltzfoos, the account at Fulton Bank. And the
24 account number is 3622-68587.

25 Q. And the date that it was opened?

1 A. March 18th, 2004.

2 Q. This an account for Levi Stoltzfoos; is that
3 correct?

4 A. That's correct.

5 Q. Next directing your attention to
6 Commonwealth's Exhibit 61, would you please identify that
7 for us?

8 A. Yes, sir. That's a deposit cash ticket for
9 that account which I testified to earlier for Fulton
10 Bank. It's a cash deposit of \$9,900, and the date
11 is 1 -- January 14th, 2006.

12 Q. Commonwealth's Exhibit 61-A, would you please
13 identify that for us?

14 A. That's a cash-in ticket, the teller ticket in
15 the amount of \$9,900. And it cleared on January 17th,
16 2006.

17 Q. And Commonwealth's Exhibit 62, would you
18 identify that for us please?

19 A. Yes, sir. It's a cash deposit ticket in the
20 amount of \$9,900 into the Levi Stoltzfoos account, and
21 that was dated January 20th, 2006.

22 Q. Would it be fair to say with respect to that
23 document, there is no actual handwritten date on there?

24 A. That's correct.

25 Q. And the date you just testified to, does that

1 appear as printed on the checking deposit ticket?

2 A. That's correct.

3 Q. Next referring you to Exhibit 62-A, would you
4 identify that for us please?

5 A. Yes. That's the teller cash-in ticket for
6 that transaction of \$9,900, and the posted date is
7 1/20/2006.

8 Q. Next, if you would please go to Exhibit 63.
9 Can you tell us what that is please?

10 A. Yes, sir. It's a cash-in ticket for the date
11 of January 21st, 2006 for the Levi Stoltzfoos account in
12 the amount of \$9,000.

13 Q. And the date indicated on that check?

14 A. January 21st, 2006.

15 Q. And Exhibit 63-A?

16 A. That is the teller ticket for the
17 aforementioned deposit, and the posted date for that is
18 January 23rd, 2006.

19 Q. Next if you would please go to Exhibit 64 and
20 tell us what that is.

21 A. Yes, sir. It's a cash deposit ticket in the
22 amount of \$9,000 on January 28th, 2006 to the Levi
23 Stoltzfoos account.

24 Q. And 64-A?

25 A. That is the teller ticket for the

1 aforementioned account, and it was posted on January
2 30th, 2006 in the amount of \$9,000.

3 Q. And Exhibit 65 please.

4 A. It's a cash deposit ticket in the amount
5 of \$6,600. The date is February 4th, 2006.

6 Q. And 65-A, if you could identify that for us
7 please.

8 A. Yes, sir. That is the teller ticket for that
9 6,600-dollar deposit, and it was posted on February 6th,
10 2006.

11 Q. And Commonwealth's 66, if you would identify
12 that for us please.

13 A. It's a cash deposit ticket dated February
14 11th, 2006 for the Levi Stoltzfoos account in the amount
15 of \$9,000.

16 Q. And Exhibit 66-A, if you would identify that
17 for us please.

18 A. Yes, sir. That is the teller ticket for that
19 aforementioned account, and that was posted on
20 February 13th, 2006.

21 Q. And with respect to Commonwealth's Exhibits
22 60 through 66-A that you just identified, did you receive
23 those from Fulton Bank as a result of executing a search
24 warrant at that bank?

25 A. Yes, sir.

1 MR. PORTMAN: Again, Your Honor, if I may
2 approach?

3 THE COURT: You may.

4 BY MR. PORTMAN:

5 Q. I've just handed you what have been
6 previously marked as Commonwealth's Exhibits 70
7 through 75-A. Would you please look through those?

8 A. Yes, sir.

9 Q. Do you recognize those?

10 A. I do.

11 Q. With respect to Exhibit 70, would you please
12 identify that for us?

13 A. Yes. That's an opening account signature
14 card for Levi Stoltzfoos at the Graystone Bank. The
15 account number was 210002077, and the date was January
16 14th, 2006.

17 Q. Next directing your attention to Exhibit 71.
18 Do you recognize that?

19 A. Yes, sir, I do. It's a deposit ticket for a
20 cash transaction into the Levi Stoltzfoos account in the
21 amount of \$9,900.

22 Q. And the date of that?

23 A. January 14th, 2006.

24 Q. And 71-A, do you recognize that?

25 A. Yes, sir. That's a teller ticket, one that

1 cleared. And it cleared on -- I'm not -- I can't quite
2 make it out. It appears to be January 17th.

3 Q. If I were to suggest to you it was
4 January 14th of '06, would that help your deciphering
5 that?

6 A. You're correct. That's correct.

7 Q. Next directing your attention to Exhibit 72.
8 Can you identify that for us?

9 A. Yes, sir. It's another cash deposit ticket
10 to the Levi Stoltzfoos account in the amount of \$9,900.

11 Q. And the date of that?

12 A. January 19th, 2006.

13 Q. And 72-A, can you identify that for us
14 please?

15 A. Yes, sir. That's a teller ticket when it
16 cleared, and it appears to be January 20th, 2006.

17 Q. And if you could please go to Exhibit 73, do
18 you recognize that?

19 A. Yes, sir. It's another deposit -- cash
20 deposit ticket dated January 21st, 2006 into the Levi
21 Stoltzfoos account.

22 Q. And for how much was that?

23 A. Nine thousand dollars.

24 Q. And 73-A, would you identify that for us
25 please?

1 A. Yes, sir. That's a teller ticket when it
2 cleared, and it cleared on January 23rd, 2006.

3 Q. And Exhibit 74, can you identify that for us
4 please?

5 A. Yes, sir. It's another cash deposit ticket
6 dated January 30th, 2006 into the Levi Stoltzfoos account
7 in the amount of \$9,000.

8 Q. And Exhibit 74-A, if you can identify that
9 for us please.

10 A. Yes, sir. That's another teller ticket when
11 the deposit cleared, and it appears to be January 30th,
12 2006.

13 Q. And Commonwealth's Exhibit 75, can you
14 identify that for us please?

15 A. Yes, sir. It's a cash deposit ticket in the
16 amount of \$10,000 dated February 11th, 2006 into the Levi
17 Stoltzfoos account.

18 Q. And 75-A, would you identify that for us
19 please?

20 A. Yes, sir. It's a teller ticket showing that
21 the cash deposit cleared on February 13th, 2006.

22 Q. With respect to Commonwealth's Exhibits 70
23 through 75-A, which you just testified to from the
24 Graystone Bank, did you receive those documents as a
25 result of executing the previously-testified-to search

1 warrant at that bank?

2 A. I did.

3 THE COURT: At this point, Counsel, I'm going
4 to give the jurors a 15-minute break.

5 Mr. Battisti will take you back to the jury
6 room and hopefully there will be some drinks for you at
7 that point. We'll resume at 20 minutes to 11.

8 (A recess was taken.)

9 THE COURT: Mr. Portman, you may continue.

10 MR. PORTMAN: Thank you, Your Honor.

11 BY MR. PORTMAN:

12 Q. During the break, Mr. Licklider, you had an
13 opportunity to review one of your reports relative to the
14 Susquehanna Bancshares search warrant?

15 A. Yes, sir, I did.

16 Q. And were you able to determine from reviewing
17 your report and recollection the amount of the check that
18 you received from Susquehanna Bancshares?

19 A. Yes. I reviewed my report and the amount
20 which I received in the bank check from Susquehanna
21 Bancshares was \$45,807.57. And I also had affixed to it
22 was a photocopy of the front of the check.

23 Q. Would you please repeat the number for the
24 amount of the check?

25 A. \$45,807.57.

1 Q. Thank you.

2 Also, during the break I put in front of you
3 what has been previously marked as Commonwealth
4 Exhibits 80 through 83. Do you recognize those?

5 A. Yes, sir, I do.

6 Q. And would you please identify Exhibit 80 for
7 us?

8 A. Yes, sir. It's a signature card for opening
9 an account for M&T Bank. The account, it was for
10 Mr. Levi L. Stoltzfoos. The account number was
11 15004213706938 and the opening date is January 9th, 2006.

12 Q. Next I'd like to direct your attention to
13 what's previously marked as Commonwealth's Exhibit 81.
14 Would you please identify that for us please?

15 A. Yes, sir. It's a cash deposit ticket into
16 the Levi Stoltzfoos account. The first one is dated
17 January 9th, 2006 in the amount of \$9,900.

18 Q. All right. There appear to be four deposit
19 tickets on that one exhibit; is that correct?

20 A. That's correct.

21 Q. All right. And the first one you indicated
22 has a date of January 9th of '06?

23 A. Yes, sir.

24 Q. How about the next document that appears on
25 there?

1 A. The -- I'm sorry. The first one was
2 January -- written actually on the ticket was January
3 7th, 2006. That was for \$9,900.

4 Q. And the next item that appears on there?

5 A. Is dated January 30th, 2006 in the amount
6 of \$9,000.

7 Q. And the next item?

8 A. The next item is dated -- the cash date is --
9 deposit is January 19th, 2006 for \$9,900.

10 Q. And the last item on that sheet?

11 A. Is a 9,000-dollar cash deposit on February
12 5th, 2006.

13 Q. To the left of each of those deposit slips
14 are handwritten dates; is that correct?

15 A. That's correct.

16 Q. Are those your dates that you wrote?

17 A. Yeah. They are the clear dates.

18 Q. And from whom did you receive that
19 information?

20 A. From the M&T Bank when I executed my search
21 warrant.

22 Q. Next directing your attention to what was
23 previously marked as Commonwealth's Exhibit 82. Would
24 you identify that for us please?

25 A. Yes, sir. That's a cash deposit ticket dated

1 January 14th in the amount of \$9,900. The clear date is
2 January 17th, 2006. And, again, it went into the Levi
3 Stoltzfoos account.

4 Q. And Commonwealth's Exhibit 83, would you
5 please identify that for us?

6 A. Yes, sir. It's another cash deposit ticket,
7 went into the Levi Stoltzfoos account. And the amount is
8 \$9,000. The date is January 23rd, 2006 and the clear
9 date is January 23rd, 2006.

10 Q. With respect to Commonwealth's Exhibits 80
11 through 83 to which you just testified, did you receive
12 each of those documents as a result of executing your
13 search warrant at M&T Bank?

14 A. That's correct.

15 MR. PORTMAN: May I approach the witness,
16 Your Honor?

17 THE COURT: You may.

18 BY MR. PORTMAN:

19 Q. I've just handed you what have been
20 previously marked as Commonwealth's Exhibits 90
21 through 97-A. Have you had an opportunity to review
22 those?

23 A. Yes, sir, I did.

24 Q. And do you recognize those?

25 A. The first page of Exhibit 90 is the Hometowne

1 Heritage Bank. It's a customer signature card for
2 opening up the new account, and the gentleman's name is
3 Levi Stoltzfoos. And the account number is 215641620.

4 Q. With respect to the Hometowne Heritage Bank,
5 refer to this bank by another name?

6 A. It's a division of National Penn Bank.

7 Q. Does it indicate when that account was
8 opened?

9 A. Yes, sir. March 18th, 2004.

10 Q. I'd like to next direct your attention to
11 Exhibit 91. Can you identify that for us please?

12 A. Yes, sir. It's a cash-in deposit ticket into
13 the Levi Stoltzfoos account, and the amount is \$9,900.
14 The deposit date is January 9th, 2006.

15 Q. And Exhibit 91-A?

16 A. That is the teller ticket. And that also
17 shows a clear date of January 9th, 2006.

18 Q. And Exhibit 92, would you identify that for
19 us?

20 A. Yes, sir. It's another deposit ticket,
21 cash-in for \$9,900 into the Levi Stoltzfoos account. And
22 it's dated January 14th, 2006.

23 Q. And 92-A?

24 A. That is a teller ticket showing that it
25 cleared also on January 17th, 2006.

1 Q. And Exhibit 93?

2 A. Ninety-three is a cash-in ticket dated
3 January 19th, 2006, \$9,900 into the Levi Stoltzfoos
4 account.

5 Q. Ninety-three A?

6 A. And that's a teller ticket showing that it
7 cleared on the same date, January 19th, 2006.

8 Q. Ninety-four?

9 A. It's a 9,000-dollar cash-in ticket. And the
10 date was January 23rd, 2006, into the Levi Stoltzfoos
11 account.

12 Q. And Exhibit 94-A?

13 A. And it shows that it cleared on January 23rd.

14 Q. And Commonwealth's Exhibit 95?

15 A. Ninety-five is dated January 28th, 2006; a
16 cash-in ticket for \$9,000 and it went into the Levi
17 Stoltzfoos account.

18 Q. And the next exhibit, please?

19 A. Ninety-five A, it cleared on January 30th,
20 2006.

21 Q. And Commonwealth's Exhibit 96?

22 A. Ninety-six, cash-in ticket to Levi
23 Stoltzfoos' account in the amount of \$9,000. The date
24 was February 6th, 2006.

25 Q. And 96-A, if you would identify that for us

1 please.

2 A. Yes. It's a teller ticket showing that it
3 cleared on the same date, February 6th.

4 Q. And Commonwealth's Exhibit 97?

5 A. Ninety-seven is another cash-in ticket and
6 the amount is \$9,000 cash. The date is February 13, 2006
7 into the Levi Stoltzfoos account.

8 Q. And 97-A?

9 A. It was \$9,000; cleared on the same date,
10 February 13th, 2006.

11 Q. Now, with respect to Exhibits 90 through 97-A
12 to which you've just testified, did you receive each of
13 those as a result of executing your search warrant at
14 National Penn Bank?

15 A. Yes, sir, I did.

16 MR. PORTMAN: If I may approach the witness,
17 Your Honor?

18 THE COURT: You may.

19 BY MR. PORTMAN:

20 Q. You've just been handed what's been
21 previously marked as Commonwealth's Exhibits 100 through
22 106. Do you recognize those?

23 A. Yes, sir, I do.

24 Q. And would you please tell us what Exhibit 100
25 is?

1 A. That is a signature card for opening an
2 account at Northwest Savings Bank for Levi Stoltzfoos.
3 The account number is 1711015709.

4 Q. And the date it was opened?

5 A. January 9th, 2006.

6 Q. Next directing your attention to what was
7 previously marked as Exhibit 101, would you please
8 identify that for us?

9 A. Yes, sir. That's a deposit in the amount
10 of \$9,900 -- deposit ticket, \$9,900 into the Levi
11 Stoltzfoos account.

12 Q. Would you tell us the date please?

13 A. January 9th, 2006.

14 Q. And Commonwealth's Exhibit 102?

15 A. It's another 9,900-dollar deposit into the
16 Levi Stoltzfoos account. And the deposit date is January
17 17th, 2006.

18 Q. Now, there were handwritten notes on that
19 exhibit; is that correct?

20 A. That's correct.

21 Q. Are those your handwritten notes?

22 A. No, sir.

23 Q. Were they supplied by the bank with that
24 exhibit?

25 A. That's correct.

1 Q. Next if you would please go to Exhibit 102
2 and identify that for us.

3 A. 103?

4 Q. I'm sorry. Yes.

5 A. That's a 9,900-dollar cash deposit ticket
6 into the Levi Stoltzfoos account, and the date was
7 January 19th, 2006.

8 Q. And Exhibit 104?

9 A. That's a 9,500-dollar cash deposit into the
10 Levi Stoltzfoos account.

11 Q. And the date on that?

12 A. It says deposit made through drive-thru on
13 Saturday, January 21st, 2006. No pictures.

14 Q. And there's a handwritten note that appears
15 on that exhibit; is that correct?

16 A. That's correct.

17 Q. And, again, is that your handwriting?

18 A. No, it's not.

19 And then the clear date would be January
20 23rd, 2006.

21 Q. Next exhibit, 105, do you want to identify
22 that for us?

23 A. It's another cash deposit in the amount
24 of \$9,000 into the Levi Stoltzfoos account. The deposit
25 was made on a Saturday, January 28th, 2006, and then it

1 was cleared on Monday, January 30th.

2 Q. And that information -- it appears there's
3 handwritten notes on that exhibit; is that correct?

4 A. That's correct.

5 Q. And Exhibit 106, would you identify that for
6 us please?

7 A. Yes, sir. It's a 9,000-dollar deposit into
8 the Levi Stoltzfoos account. The deposit was made on
9 Saturday, February 4, 2006, and it was cleared on the --
10 on this date -- February 6th, 2006.

11 Q. Now, with respect to Commonwealth's Exhibits
12 100 through 106 to which you've just testified regarding
13 Northwest Savings Bank, did you receive those documents
14 as a result of executing your search warrant at that
15 bank?

16 A. That's correct.

17 MR. PORTMAN: If I may approach, Your Honor?
18 BY MR. PORTMAN:

19 Q. I've handed you what have been previously
20 marked as Commonwealth's Exhibits 110 through 116. Do
21 you recognize those?

22 A. Yes, sir, I do.

23 Q. Starting with Exhibit 110, would you please
24 identify that for us?

25 A. Yes, sir. That's a signature card for

opening a new account at the Sovereign Bank for Levi Stoltzfoos. And the date the account was opened was January 7th, 2006.

Q. Does it indicate the account number?

A. Yes. The account number is 0022019944.

Q. Next I'd like you to look at Exhibit 111. Would you please identify that for us?

A. Yes, sir. That's -- it's a deposit ticket cash in in the amount of \$9,900, dated January 7th, 2006 into the Levi Stoltzfoos account.

Q. And Exhibit 111 -- I'm sorry, 112, if you would identify that for us please?

A. It's a cash-in ticket in the amount of \$9,900 into the Levi Stoltzfoos account.

Q. And the date?

A. Dated January 14th, 2006, with a clear date of January 17th, 2006.

Q. And Exhibit 113.

A. It's a cash-in ticket into the Levi Stoltzfoos account with a clear date of January 20th, 2006. And the deposit date was January 19th, 2006.

Q. And does it indicate the amount again?

A. Nine thousand nine hundred dollars.

Q. And Exhibit Number 114, would you please identify that for us?

1 A. Yes, sir. It was a deposit which took place
2 on January 21st, 2006 in the amount of \$9,000 into the
3 Levi Stoltzfoos account and with a clear date of
4 January 23rd, 2006.

5 Q. And then Exhibit Number 115, would you
6 identify that for us?

7 A. A cash-in deposit in the amount of \$9,000
8 dated January 28th, 2006 in the amount of \$9,000, with a
9 clear date of January 30th, again into the Levi
10 Stoltzfoos account.

11 Q. And Exhibit Number 116, would you identify
12 that for us please?

13 A. It's a 9,000-dollar cash deposit into the
14 Levi Stoltzfoos account dated February 4th, 2006 with a
15 clear date of February 6th, 2006.

16 Q. Now, with respect to Commonwealth's Exhibits
17 110 through 116 that you've just testified to regarding
18 Sovereign Bank, did you receive copies of these -- or did
19 you receive these documents as a result of executing your
20 search warrant at that bank?

21 A. I did.

22 MR. PORTMAN: If I may?

23 THE COURT: You may.

24 MR. PORTMAN: Thank you.

25 BY MR. PORTMAN:

1 Q. You've just been handed, for purposes for
2 identification, Commonwealth's Exhibits 120 through 125.
3 Would you please review those?

4 A. Yes, sir.

5 Q. Do you recognize those?

6 A. I do.

7 Q. With respect to Exhibit Number 120, please
8 identify that for us.

9 A. This is a statement for opening a new account
10 for Levi Stoltzfoos at the Susquehanna Banc dated January
11 17th, 2006. The account number is --

12 Q. I believe you'll find that on page two of
13 that document.

14 A. The account number is 10001385466.

15 Q. And if you would please turn to Exhibit
16 Number 121 and identify that for us.

17 A. Yes, sir. That's a cash deposit ticket in
18 the amount of \$8,700 dated January 14th, 2006 into the
19 Levi Stoltzfoos account.

20 Q. And Exhibit 121-A, would you identify that
21 for us please?

22 A. Yes, sir. That's a -- clear date for that
23 teller ticket for the 8,700 deposit and the clear date is
24 January 17th, 2006.

25 Q. And 122, if you could identify that for us

1 please.

2 A. Yes, sir. A cash-in ticket in the amount
3 of \$9,900 dated January 20th, 2006 into the Levi
4 Stoltzfoos account.

5 Q. And Number 122-A?

6 A. The clear ticket showed that it cleared on
7 January 20th, 2006.

8 Q. And Exhibit 123?

9 A. Number 123 is a cash-in ticket in the amount
10 of \$9,000. The date was January 21st, 2006 into the
11 Stoltzfoos account.

12 Q. And Exhibit 123-A?

13 A. And 123-A, aforementioned deposit cleared on
14 January 23rd, 2006.

15 Q. And Exhibit 124?

16 A. Number 124 is a 9,000-dollar cash-in ticket
17 into the Stoltzfoos account. And this took place on
18 January 30th, 2006.

19 Q. And 124-A?

20 A. The ticket for the teller cleared on January
21 30th, '06.

22 Q. And 125?

23 A. Number 125 is a 9,000-dollar cash-in ticket
24 dated February 11th, 2006 to the Stoltzfoos account.

25 Q. And 125-A?

1 A. Number 125-A is the date it cleared; February
2 13th, 2006.

3 Q. Now, with respect to all previously marked
4 Commonwealth's Exhibits 120 through 125-A that you just
5 testified to, did you receive those as a result of
6 executing your search warrant at Susquehanna Banc?

7 A. I did.

8 Q. Mr. Licklider, as a result of your 34 years
9 in law enforcement and in working in financial
10 investigations since 1987, are you familiar with the
11 regulations pertaining to the withdrawal and deposit of
12 cash in financial institutions?

13 A. Yes, sir.

14 Q. Is there any significance with respect to
15 either a cash-in deposit or a cash withdrawal in a
16 financial institution such as a bank?

17 A. Yes, sir.

18 Q. And what, if any, significance is there with
19 respect to either a cash deposit or a cash withdrawal in
20 a financial institution such as a bank?

21 A. Well, according to the Bank Secrecy Act, a
22 financial institution, which these banks are, they have
23 to fill out a form. The customer doesn't fill them out,
24 the teller fills it out. If it's a 10,000-dollar cash
25 deposit, not only a deposit in or if a cash in or a cash

1 out, but no checks, the financial institution has to --
2 financial institution fills them out, not the customer.

3 Q. And the triggering amount is the 10,000 or
4 something in excess of 10,000?

5 A. It's supposed to be over \$10,000.

6 Q. As a result of your training and experience,
7 are banks -- and I believe you may have testified to this
8 already -- required to fill out a particular form if a
9 customer either withdraws or deposits in excess
10 of \$10,000 in cash?

11 A. It's called a Currency Transaction Report,
12 and they just refer to them as CTRs.

13 Q. Now, in the course of your 34 years in law
14 enforcement and since 1987 in financial investigations,
15 did you maintain contacts with bank employees throughout
16 Pennsylvania?

17 A. Yes, sir.

18 Q. And would you often have meetings with these
19 individuals regarding financial investigations?

20 A. That's correct.

21 Q. Would you have discussions with them
22 regarding financial investigations?

23 A. That's correct.

24 Q. Are you familiar with the banking laws at
25 least on the federal level and state level for reporting

1 these types of transactions?

2 A. Yes, sir.

3 Q. If a bank is required, as you testified to,
4 to report a transaction involving cash, either a deposit
5 or a withdrawal, in excess of 10,000, are they precluded
6 from doing so if the transaction is less than 10,000? In
7 other words, does the bank have discretion to file a
8 report even if the sum does not trigger the cash
9 transaction report?

10 A. It's up to the discretion of the bank. They
11 have what they call know your customer policy.

12 Q. And just briefly can you tell us what that
13 is?

14 A. Well, when you get a new -- when you get a
15 new customer into the bank in the case like
16 Mr. Stoltzfoos, the county system has a system -- the
17 banking community is all tied together. It's called
18 Chex -- Chex Systems. And whenever anybody comes in to
19 take out a new account, they punch in to the system to
20 see if this particular individual with this Social
21 Security number has an account anywhere else.

22 And in this particular case, when the banking
23 community went into the Chex Systems when an individual
24 opened up an account -- in this case Mr. Stoltzfoos -- it
25 started showing that he had all these accounts opening up

1 all in the same time period.

2 Q. Now, in this particular case you testified to
3 58 transactions involving deposits of cash by
4 Mr. Stoltzfoos into ten banks in Lancaster County during
5 the approximately six-week period in 2006; would you
6 agree?

7 A. That's correct.

8 Q. Is there any significance to each of these
9 banks with respect to Mr. Stoltzfoos making deposits of
10 the amounts that he did that you've testified to over the
11 period of time that you testified that he did in each of
12 these banks?

13 A. Yeah. What's significant about this case
14 different than an ordinary citizen is the fact that there
15 was multiple financial institutions used and the amount
16 was kept under the threshold of \$10,000. And
17 additionally on the signature cards, Mr. Stoltzfoos used
18 post office addresses for his residence. He didn't use
19 his Groffdale Road address, he used different post
20 offices.

21 Q. And even though we didn't get into those
22 addresses, did you verify each of the addresses listed on
23 the signature cards that you've testified to?

24 A. Yes, sir.

25 MR. PORTMAN: I believe that ends my

1 examination of the witness, Your Honor.

2 THE COURT: Thank you.

3 Mr. Conrad, cross-examination.

4 MR. CONRAD: May I have the Court's
5 indulgence for just a moment?

6 THE COURT: You may.

7 MR. CONRAD: Thank you, sir.

8 Your Honor, may we approach?

9 THE COURT: You may.

10 (The following occurred at sidebar:)

11 MR. CONRAD: Your Honor, the source of the
12 monies have not been discussed in any way, and that's per
13 the Court's order. If there's a prosecution for this
14 six-week period that has been identified by the
15 Commonwealth, it's now been established.

16 What I need to show as part of the burden
17 that I have, the Commonwealth will have to go to their
18 burden is going to be recklessness. As part of that I
19 need to show that this man has done these kinds of
20 transactions before and was never prosecuted.

21 The next line of questioning I'd like to get
22 into is the fact that in 1999, there were numerous
23 structured deposits made and withdrawals made and he was
24 never prosecuted. Additionally, in 2001 there were
25 numerous structured deposits and withdrawals made and he

1 was never prosecuted. I would like to go into that line
2 of questioning. I don't believe that opens up any doors.
3 We're not discussing where the money came from, just the
4 fact that these deposits were made and withdrawals were
5 made.

6 MR. PORTMAN: The only concern I have, Your
7 Honor, is the information that Mr. Conrad is referring to
8 is obtained through suspicious activity reports, which
9 are by federal statute. I mean you can't discuss them in
10 open court. I mean they're not even subject to
11 discussion.

12 I don't mind him getting into that if he
13 refrains from referring to the information from a
14 suspicious activity report. I think that's fine
15 otherwise. It's a bank document that is --

16 MR. CONRAD: The question I would pose to the
17 officer is as a result of your investigation, did you
18 learn that there were numerous withdrawals and deposits
19 made back in 1999, yes or no.

20 MR. PORTMAN: I don't have any problem with
21 that.

22 THE COURT: Okay.

23 MR. PORTMAN: He may refer to his reports.

24 MR. CONRAD: In 2001, would you agree there
25 were numerous structured deposits and withdrawals made,

1 yes or no. That's what I need to go into.

2 MR. PORTMAN: And I think -- I want to make
3 sure that the agent understands before he testifies that
4 he shouldn't get into sources.

5 MR. CONRAD: Just as part of his
6 investigation did he learn that. He doesn't need to say
7 it.

8 MR. PORTMAN: I know it.

9 MR. CONRAD: We can bring him forward right
10 now, Your Honor, if you'd like to make sure that he
11 doesn't mention that.

12 THE COURT: When you go -- after you ask that
13 question --

14 MR. CONRAD: That's it. I'll have other
15 cross, but that's --

16 THE COURT: Relative to that particular
17 issue.

18 MR. PORTMAN: I'll even stipulate to that if
19 you want to do that. If you want to ask him, that's
20 fine, but I'll stipulate to those.

21 MR. CONRAD: I can ask him a yes-or-no
22 question. That way we're not getting into anything. He
23 can answer yes or no. We can do it that way, Your Honor.
24 That way the officer, he's not compelled to go into
25 anything that he doesn't need to go into.

1 THE COURT: Mr. Licklider, would you join us
2 for a moment.

3 You're going to be asked on cross-examination
4 two basic --

5 MR. CONRAD: Maybe more.

6 THE COURT: -- basic yes-or-no questions, but
7 basically through your investigation, did you understand
8 that he did numerous structured withdrawals and deposits
9 in 1999, and then a similar question relative to 2001.
10 I'm directing that you have the opportunity to answer
11 that question, but not to go into the reasons why or
12 the -- give me the name of that report again --
13 suspicious activity report. We're leaving that out.
14 Just that you did investigate that and that he was not --
15 I assume you're going to ask him was he charged with
16 that. So you're permitted to answer the question, but I
17 don't want you to go into the suspicious activity report.
18 Understood?

19 THE WITNESS: Yes, sir.

20 THE COURT: Very well.

21 (Sidebar discussion concluded.)

22 MR. CONRAD: Thank you, your Honor.

23 CROSS-EXAMINATION

24 BY MR. CONRAD:

25 Q. Good morning, Agent.

1 A. Morning, Counselor.

2 Q. Sir, you indicated, I think, that you've been
3 a field supervisor from 1991 to 2008; is that correct,
4 sir?

5 A. That's correct.

6 Q. Okay. In that time I think you also
7 indicated that you've done hundreds -- or about a hundred
8 investigations; would that be fair --

9 A. Approximately.

10 Q. -- or more?

11 A. Approximately, yes.

12 Q. Has your -- or have your duties taken you
13 throughout the Commonwealth of Pennsylvania?

14 A. Yes, sir.

15 Q. Okay. Of those hundred-plus investigations
16 that you've done, how many of those folks have been
17 Amish?

18 A. Let's see. Got some Eastern Europeans. They
19 are from Eastern European.

20 Q. No, sir, not all the other ethnic groups.

21 A. I'm just going through them.

22 Q. All right, sir.

23 A. I guess Mr. Stoltzfoos. I mean I don't go --
24 I don't have a list, you know, look for different ethnic
25 groups. If you're bad -- I mean if you're -- I

1 investigate you, but apparently if he is Amish, I would
2 say he would be the first one.

3 Q. And certainly as a result of your
4 investigation as you did your numerous interviews, it
5 certainly came to your attention that he was either
6 Amish, Mennonite, something to do with that older
7 community; isn't that correct?

8 A. I can answer it, but it's not going to be a
9 yes-or-no answer.

10 Q. I'm looking for a yes or no, but --

11 A. I gave you a yes-or-no answer. His parents
12 may be Amish, but from when I saw him when I investigated
13 his actions, he's not Amish from what he did and what I
14 saw in that house.

15 Q. Well, sir, I'm not --

16 A. Well, you're asking me whether he is Amish.
17 From what I saw in that house and the documents, he's not
18 Amish --

19 THE COURT: Sir --

20 THE WITNESS: -- or he's not practicing
21 Amish. You asked.

22 THE COURT: Sir, please. We don't need to
23 add to it. Just be responsive.

24 THE WITNESS: Yes, Your Honor.

25 I don't think he's practicing Amish, no.

1 BY MR. CONRAD:

2 Q. Sir, you went to his house; correct?

3 A. That's correct.

4 Q. It's a very plain house, isn't it, sir?

5 A. Every room in that house looks like an Amish
6 house except for his room, and that's not -- it's not in
7 character of an Amish house; the rest of that house, his
8 room was not.

9 MR. CONRAD: Court's indulgence. I wasn't
10 prepared to head that direction.

11 Your Honor, may I approach?

12 THE COURT: You may.

13 BY MR. CONRAD:

14 Q. Sir, you had an opportunity to go through
15 this house; correct?

16 A. That's correct.

17 Q. I believe either you or someone took pictures
18 of the house; is that correct?

19 A. Correct.

20 Q. And I asked you that did it look like a plain
21 house; is that correct, sir?

22 A. That's correct.

23 MR. CONRAD: We can mark all these.

24 (Defendant's Exhibit Nos. 1 through 18
25 marked.)

1 MR. CONRAD: Thank you, sir.

2 BY MR. CONRAD:

3 Q. Agent, as I was about to say, I'm going to
4 show you what I've had marked for identification purposes
5 as Defendant's Exhibit 1. What am I showing you, sir?

6 A. That is one of the pictures from the inside
7 of the house.

8 Q. That was taken when?

9 A. The day of the search warrant.

10 Q. Okay.

11 A. March 30th.

12 Q. Do you know exactly who took that picture?

13 A. No, sir. One of the agents was assigned to
14 take the pictures. Whenever we do a search warrant, we
15 take a picture what the place looks like when we leave so
16 people can't come back and say, well, you trashed their
17 house.

18 Q. Okay. What part of the house would that be?

19 A. I don't know.

20 Q. One of the rooms in the house; correct, sir?

21 A. Yes, sir.

22 Q. Does it appear to be in the same or a similar
23 condition at the time you were there?

24 A. Yes.

25 Q. I'm going to show you what I've had marked

1 for identification purposes as Defense 2. What is that,
2 sir?

3 A. That's another picture inside of the house.

4 Q. Okay. Does it accurately depict the scene
5 the day you saw it, the day of the search warrant?

6 A. Yes, sir.

7 Q. Show you what I've had marked as Defense
8 Exhibit 3. Can you tell me what that is, sir?

9 A. Another picture from inside his parents'
10 home.

11 Q. Does it accurately depict the scene?

12 A. Yes, sir.

13 Q. Nice corner cupboard there, right?

14 A. Yeah, nice one.

15 Q. Showing you what I've had marked as Defense
16 Exhibit 4. What is that?

17 A. That's another shot of the interior. Appears
18 to be the kitchen.

19 Q. Does it accurately depict the scene?

20 A. Mm-hmm.

21 Q. Plain kitchen; right, sir?

22 A. Nice.

23 Q. Show you what I've had marked as Defendant's
24 Exhibit 5. What is that I'm showing you?

25 A. Apparently that's one of the bedrooms;

1 however, I was not in that room.

2 Q. And it was taken on the day of the search
3 warrant, obviously?

4 A. Yes.

5 Q. Defendant's Exhibit 6?

6 A. Apparently that's another bedroom. I was not
7 in that bedroom.

8 Q. Taken the day of the search warrant, though;
9 is that correct?

10 A. Yes, sir.

11 Q. Defense Exhibit 7, what is that, sir?

12 A. That's another photo from inside the
13 residence.

14 Q. Does it accurately depict the scene?

15 A. Yes, sir.

16 Q. All right. Defendant's Exhibit No. 8, what
17 is that, sir?

18 A. That's the -- a portion of it -- of the dirt
19 floor.

20 Q. Accurately depict the scene?

21 A. Yes, sir.

22 THE COURT: Did I understand you to say
23 portions of the third floor; is that correct?

24 THE WITNESS: Dirt floor. Dirt floor, Your
25 Honor.

1 THE COURT: I'm sorry. Dirt floor.

2 BY MR. CONRAD:

3 Q. Show you what I've had marked as Defendant's
4 Exhibit 9. What is that, sir?

5 A. That's a shovel and a dirt floor area and it
6 appears to be a hole with shovels in it.

7 Q. Do you know who would have dug that hole?

8 A. Yes, sir.

9 Q. Who dug the hole?

10 A. I told one of the agents to dig the hole.

11 Q. Nothing was found there, was it?

12 A. There was an odor in that basement that was
13 similar to the odor on the bills.

14 Q. Must?

15 A. Yes.

16 Q. And the handle is broken on that, right?

17 A. It could be, yes.

18 Q. That was the family's own --

19 A. Pardon me?

20 Q. That was the family's shovel you fellows made
21 use of there, wasn't it?

22 A. Yes, sir.

23 Q. You recall breaking that shovel as a part of
24 this whole thing?

25 A. No -- one of the agents did, yeah, that's

1 correct.

2 Q. Show you Defendant's Exhibit 10. What is
3 that, sir?

4 A. That's the same shovel in the ground.

5 Q. Down in the basement, right?

6 A. That's correct.

7 Q. Now, we were talking about the defendant's
8 room a little bit. I'm going to show you what I've had
9 marked as Defendant's Exhibit Number 11. What is that,
10 sir?

11 A. That's one of the agents.

12 Q. One of the agents in my client's room; isn't
13 that correct?

14 A. I can't tell from that shot.

15 Q. If I told you he has on my client's hat and
16 he's yucking it up in my client's bedroom, would that
17 surprise you?

18 A. Well, the agents didn't go into the residence
19 wearing that hat.

20 Q. He didn't wear that hat in, that's right.

21 That's not official, standard police gear, is
22 it?

23 A. No, sir.

24 Q. Defense Number 12, what is that, sir?

25 A. That's a picture of, appears to be

1 Mr. Stoltzfoos' bedroom.

2 Q. Show you what I've had marked -- looks the
3 same as it did that day; correct, sir?

4 A. Yes, sir.

5 Q. Defense Number 13.

6 A. That's another area of the house I wasn't in.
7 That appears to be the house.

8 Q. Taken that day, though; is that correct?

9 A. Mm-hmm.

10 Q. Defense Number 14?

11 A. That's another bedroom which I wasn't in.

12 Q. Defense Number 15?

13 A. That's another area of the house I wasn't in.

14 Q. Nice buck mounted up on the wall; correct,
15 sir?

16 A. Sure.

17 Q. Defense Number 16?

18 A. That's another room that I was not in.

19 Q. Taken on the day of the warrant, right?

20 A. That's right.

21 Q. Defense 17?

22 A. That's another room of the house, but I
23 wasn't in that room.

24 Q. And Defense 18, what is that, sir?

25 A. That is on the right-hand side of

1 Mr. Stoltzfoos' room. He had brand new Philadelphia
2 Flyers and Eagles paraphernalia; shirts and hats. That's
3 in the closet.

4 Q. You agree with me all those things are neatly
5 folded in there; is that correct?

6 A. That's correct.

7 Q. Thank you, sir.

8 Now, depict the scene as you saw that house;
9 is that correct?

10 THE COURT: Excuse me. May --

11 THE WITNESS: That's not all the pictures of
12 his bedroom.

13 BY MR. CONRAD:

14 Q. General gist of the house?

15 A. Of the house, yes.

16 MR. CONRAD: Counsel, the statement? Do you
17 have the statement or is it up there?

18 MR. PORTMAN: That should be up there.

19 MR. CONRAD: Your Honor, may I approach?

20 THE COURT: You may.

21 BY MR. CONRAD:

22 Q. Looking at Commonwealth's 20, referring you
23 to Commonwealth's 20, this is the notice you said you
24 first saw at the March 17th opportunity for you to speak
25 with my client; is that correct, sir?

1 A. That's correct.

2 Q. All the scribbles and scratches all over
3 Commonwealth 20, you didn't make those, my client would
4 have made those; right?

5 A. Your client did, sir.

6 Q. Okay. The numerous spelling errors that are
7 found throughout the document, he would have made those
8 spelling errors as he drafted this document; is that
9 right?

10 A. Yes, sir.

11 Q. I believe as you read over the document, you
12 stopped about halfway down. Would that be correct?

13 A. That's correct.

14 Q. But there's more to the document; isn't that
15 right?

16 A. Yes, sir.

17 Q. In fact, he also said to you, no questions --
18 I'm sorry. I don't want no part of government
19 investigation or harassment. Correct?

20 A. Yes, sir.

21 Q. He said, no questions will be answered. If
22 you have any questions, you can write to me. Right?

23 A. Yes, sir, I recall that.

24 Q. You did not want to talk to me on the phone
25 and I am not going to be a part of your

1 cross-examination.

2 A. Yes, sir.

3 Q. Let me give that to you.

4 MR. CONRAD: If I may approach.

5 BY MR. CONRAD:

6 Q. I'll use my document just so I don't confuse
7 you.

8 He said, what right do you have to steal my
9 money?

10 He said that to you, too; correct?

11 A. Yes, sir.

12 Q. Then he asked you, when will I get it back?
13 Will hiring a lawyer speed the process? Right?

14 A. Yes, sir.

15 Q. He asked you, how much interest will be paid
16 to me? That's what he asked, correct?

17 A. Yes, sir.

18 Q. Have people ever sued and won? He said that
19 to you, right?

20 A. Yes, sir.

21 Q. Will you give a check back or will you reopen
22 my accounts? He asked you that, too; right?

23 A. Yes, sir.

24 Q. There's another thing. He's asking that
25 question to you and he's writing down what you respond?

1 A. Yes, sir.

2 Q. Okay. He asked you, will you notify banks
3 that investigation is false alarm? He wrote that, too;
4 right?

5 A. Yes. He wrote no.

6 Q. Okay. And he writes, which bank/banks
7 notified you? I may choose not to do business with them
8 again. Right?

9 A. Yes, sir, that's what he wrote.

10 Q. And he also wrote then, not liberty to say.
11 Your response, in other words, you wouldn't have had the
12 liberty to say at that time?

13 A. That's correct.

14 Q. Then he asked you finally, why was the five
15 p.m. meeting cancelled? Why didn't you notify me of the
16 meeting change? Right?

17 A. Yes, sir.

18 Q. That's the entirety of his statement to you;
19 correct, sir?

20 A. Yes, sir.

21 Q. All right. As a part of your investigation,
22 did you actually see the monies that were taken? The
23 actual cash itself, did you see that?

24 A. Yes, some of it I did.

25 Q. And you're aware -- is it part of your

1 investigation that some of the tellers said that the
2 monies smelled musty or moldy?

3 A. That's correct.

4 Q. Some even described it as almost wet?

5 A. That's correct.

6 Q. Bank straps, what are bank straps?

7 A. Bank straps, in this particular case here,
8 many of the institutions gave them to me. It's what
9 Mr. Stoltzfoos deposited the cash in. They were bound
10 together with a strap and it would say a certain bank;
11 many of the banks at Blue Ball National Bank, and many of
12 them weren't named at all, but it was a strap that holds
13 thousand-dollar deposits, a thousand dollars at a time
14 deposit, made out of paper.

15 Q. And generally speaking, individuals don't do
16 that. I mean people don't strap their money, that's done
17 by banks; right?

18 A. Normal course of business, that's correct.

19 Q. In fact, many of the bank straps were from
20 1999; isn't that right?

21 A. That's correct.

22 Q. You went through a series of transactions
23 that my client made during a six-week period and we
24 outlined each one of those for the jury; right, sir?

25 A. Yes, sir.

1 Q. You didn't mention, though, about all the
2 transactions that were made back in 1999. As a part of
3 your investigation, you'd have to admit there were
4 numerous transactions made back in 1999; weren't there,
5 sir?

6 A. That's correct.

7 Q. When one withdraws large sums out of the
8 bank, one could get those bills uncirculated and wrapped
9 up in a bank strap; is that correct? I mean that's how
10 you would get it from a bank when you withdraw cash, you
11 would have a bank strap on it; is that right?

12 A. Yes. If it -- mostly cash drawers -- the
13 banks don't handle a whole lot of cash if -- you got to
14 tell them in advance you're getting a large sum of money
15 and it would be bound, that's correct.

16 Q. And, of course, you didn't mention anything
17 to the jury, either, that back in 2001, again my client
18 made numerous transactions similar to the ones they heard
19 about in 2001; isn't that correct?

20 A. That's correct.

21 Q. If an individual wanted to put lots of money
22 in the bank, leave it in there for a while to earn
23 interest off of it, then withdraw it, if one made that
24 interest, that would certainly get reported; would it
25 not?

1 A. I don't understand what you mean the interest
2 wouldn't be reported, no. Why would that -- getting
3 interest on an amount of money you have in a bank, if you
4 have the money in the bank, you can do a wire transfer go
5 out and a currency transaction report's not done for
6 that. You could take it out in bank checks. It's not
7 done if you take it out in bank checks. Only way it
8 triggers a CTR is cash in/cash out over ten. Interest
9 doesn't have anything to do with it.

10 Q. Understood. Follow my question.

11 I understand where you're trying to go. Let
12 me take you where I'm trying to go.

13 A. Okay.

14 Q. If an individual put money in the bank, a
15 large amount of money in a bank, let it bubble up
16 interest and pulled the money back out, that interest
17 that one makes, the bank has to report that interest,
18 don't they?

19 A. Surely.

20 MR. CONRAD: Okay. Thank you, Your Honor.
21 Nothing further.

22 THE COURT: Any redirect, sir?

23 MR. PORTMAN: Yes, Your Honor.

24 If I may approach, Your Honor?

25

REDIRECT EXAMINATION

BY MR. PORTMAN:

Q. Sir, with respect to the 1999-2001 transactions that you were asked about, do you know, without referring to your notes or your reports, whether or not the same banks that were part of your investigation of this case were also involved in those transactions?

A. No, sir, they weren't. I think possibly Fulton Bank was.

Q. Okay. Now, you were asked questions about the house. The search warrant was executed at 30 Groffdale Road; is that correct?

A. That's correct.

Q. When you arrived there, was there anyone home?

A. Yes, sir.

Q. And who was present at the house?

A. Levi's mother.

Q. Did she identify herself as such?

A. Yes.

Q. Did you tell her why you were there?

A. Yes, sir.

Q. Did anyone from the family arrive during the search?

1 A. Yes, sir.

2 Q. Who was that?

3 A. Levi's father.

4 Q. And how did he arrive?

5 A. I don't know how he arrived.

6 Q. But he was not present when you were there --

7 A. That's correct.

8 Q. -- initially?

9 A. No. I went up to the mother. She was
10 hanging up wash in the back yard. I had a uniformed
11 officer with me. I showed her my I.D., I showed her the
12 search warrant. And she told me, you know -- so she went
13 in. She showed me everybody's room and she showed me
14 Levi's room. And I said, that's the room we're
15 interested in.

16 Q. Okay. In addition to the photographs shown
17 to you by defense counsel, there were additional
18 photographs taken of that house; correct?

19 A. Yes, sir.

20 Q. Of the inside of the house?

21 A. Yes, sir.

22 Q. All right. And did you have an opportunity
23 to go into the attic of that residence?

24 A. Yes, sir, I did.

25 Q. And can you please tell us what you saw in

1 the attic of this residence?

2 MR. CONRAD: Your Honor, I'm going to object.
3 May I approach?

4 THE COURT: You may approach.

5 (The following occurred at sidebar:)

6 MR. CONRAD: Your Honor, I'm going to object
7 because as part of the motion in limine we talked about,
8 anything in that attic that would come into play, it
9 would bring that which you precluded into play.

10 MR. PORTMAN: I don't recall anything about
11 the attic.

12 MR. CONRAD: No. The items, the items found
13 in the attic.

14 MR. PORTMAN: I'm not getting into what was
15 found. I'm going to these boxes that are up there --

16 MR. CONRAD: The fact there were boxes in the
17 attic?

18 MR. PORTMAN: And that his father said they
19 were his.

20 MR. CONRAD: Whose?

21 MR. PORTMAN: Levi's.

22 MR. CONRAD: We're not going to get into the
23 contents of the boxes?

24 MR. PORTMAN: No.

25 THE COURT: Very well.

1 (The sidebar discussion concluded.)

2 MR. CONRAD: I'll withdraw it, Your Honor.

3 BY MR. PORTMAN:

4 Q. With respect to the attic, were you upstairs?
5 Did you go into the attic?

6 A. Yes. Levi's father took me to the attic.

7 Q. Were there numerous boxes up in the attic?

8 A. Yes, sir.

9 Q. And was an area of the attic identified to
10 you by Mr. Stoltzfoos, Levi's father, as being Levi's?

11 A. That's correct.

12 Q. Without getting into particulars,
13 approximately how many boxes did you see, if you recall?

14 A. Thirty to 40.

15 Q. Now, with respect to the -- again, the bank
16 straps that you've testified to, other than the bank
17 straps from Blue Ball National Bank, do you recall any
18 other bank straps?

19 A. Yeah, there were other bank straps. Some of
20 them had no name on it and there could have been some
21 other ones, too.

22 Q. You were also asked if you had an opportunity
23 to view some of the cash that was submitted by
24 Mr. Stoltzfoos to the banks, correct?

25 A. That's correct.

1 Q. You recall whether or not that currency was
2 current as far as date or not?

3 A. The best of my recollection, the most recent
4 currency was the year 2001.

5 MR. PORTMAN: No further questions. Thank
6 you.

7 MR. CONRAD: If I may, Your Honor?

8 THE COURT: Recross.

9 RECROSS-EXAMINATION

10 BY MR. CONRAD:

11 Q. The Chex Systems that you said for the jury
12 earlier, when did Chex Systems go into effect?

13 A. I don't know.

14 Q. Any idea? You've been in this since 1991.
15 How long have you been using it for?

16 A. I don't use that. It's not my program. It's
17 an actual community -- in Lancaster County, the banks use
18 it.

19 Q. As part of your training and experience as
20 the Commonwealth took you through, though, you've never
21 heard of Chex Systems?

22 A. Yeah, but I don't know when it went into
23 operation.

24 Q. Would it have been in effect back in 1995?

25 A. Probably not.

1 Q. How about 1999?

2 A. I don't know. I can't --

3 Q. Okay. And with regard to what happened in
4 1999 and 2001, my client was never prosecuted for any of
5 those deposits or withdrawals; is that right?

6 A. No, sir.

7 MR. CONRAD: Nothing further, Your Honor.

8 MR. PORTMAN: Nothing further, Your Honor.

9 THE COURT: Thank you. You may step down,
10 sir.

11 At this point in time, is there anything
12 counsel would like to bring to my attention before we
13 break for lunch?

14 MR. PORTMAN: Yes, Your Honor. I would move
15 all the Commonwealth's exhibits into evidence.

16 MR. CONRAD: Without objection.

17 THE COURT: The Exhibits Number 1 through
18 125-A, although not exclusive of all those numbers that
19 have been presented so far, will be admitted into
20 evidence.

21 MR. CONRAD: Yes, sir.

22 MR. PORTMAN: Thank you.

23 THE COURT: At this point in time, ladies and
24 gentlemen, we are going to take our lunch break. It's an
25 appropriate time to adjourn.

1 MR. CONRAD: Your Honor. I'm sorry. I'm
2 sorry to cut the Court off. I apologize, sir. If I may
3 go ahead and move mine into evidence before the jury is
4 released.

5 MR. PORTMAN: No objection, Your Honor.

6 THE COURT: Defense Exhibits 1 through 18
7 will also be admitted into evidence.

8 MR. CONRAD: Thank you, Your Honor.

9 THE COURT: Mr. Battisti, what time would you
10 like them to return to the jury room?

11 THE BAILIFF: 1:15, no later than 1:20.

12 THE COURT: Please remember that during this
13 break, do not discuss the case among yourselves or with
14 anyone else during your lunch recess. Furthermore, you
15 are reminded to wear your juror badges at all times in a
16 conspicuous place, especially if you choose to eat here
17 in the courthouse or walk the halls at all in the
18 courthouse.

19 And, also, you're devoid of reading any
20 newspaper articles or watching any television. Not that
21 you may have access to it, but I must warn you of that.
22 Likewise, you did understand we're going to gather your
23 information, so if you would please return your notes and
24 everything into your respective pouch. And would you
25 like them to leave that on the chair? Just leave that on

1 your chair after you're done.

2 Mr. Battisti, you may have the jury.

3 (The lunch recess was taken.)

4 A F T E R N O O N S E S S I O N

5 (1:30 p.m.)

6 THE COURT: Counsel agree for the record that
7 all of the members of the jury are present and seated?

8 MR. CONRAD: Yes, Your Honor.

9 MR. PORTMAN: Yes, Your Honor.

10 THE COURT: Thank you very much.

11 Mr. Portman.

12 MR. PORTMAN: Thank you, Your Honor. Call
13 Tarah Forsythe. She will be coming right in, Your Honor.

14 TARAH FORSYTHE,
15 called as a witness, having been duly sworn or affirmed,
16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. PORTMAN:

19 Q. Good afternoon.

20 A. Good afternoon.

21 Q. Would you please state your name for the
22 record and spell your first and last name?

23 A. Tarah Forsythe. T-a-r-a-h, F-o-r-s-y-t-h-e.

24 Q. And, Miss Forsythe, by whom are you employed?

25 A. Coatesville Savings Bank.

Q. In what capacity?

1 A. Assistant manager.

2 Q. And for how long have you been so employed
3 there?

4 A. Seven years.

5 Q. And do you have a particular branch that you
6 work out of?

7 A. New Holland.

8 Q. I'm going to show you what have been
9 previously marked as Commonwealth's Exhibits 40, 41, 42,
10 43, 44 and 45.

11 MR. PORTMAN: May I approach, Your Honor?

12 THE COURT: You may.

13 BY MR. PORTMAN:

14 Q. Ask you to look those over.

15 A. Mm-hmm.

16 Q. With respect to Commonwealth's Exhibit 40, do
17 you recognize that?

18 A. Yes.

19 Q. Can you tell us what that is?

20 A. That is our signature card we use.

21 Q. And is that for a particular account?

22 A. It's for all accounts.

23 Q. All right. And in this particular case,
24 whose name is that account in?

25 A. Levi Stoltzfoos.

1 Q. And what date was it opened?

2 A. It was opened January 19th, 2006.

3 Q. And is that document kept in the ordinary
4 course of business by the bank?

5 A. Yes, it is.

6 Q. And the account number that's on that account
7 if you would, please?

8 A. 3026001651.

9 Q. And the remaining exhibits, 41 through 45, do
10 you recognize those?

11 A. Yes. They're deposit tickets.

12 Q. And are those deposit tickets the type of
13 tickets that are kept in the ordinary course of your
14 bank's business?

15 A. Yes.

16 Q. And are they all for the same account?

17 A. Yes, they are.

18 Q. Are they for the account you just testified
19 to?

20 A. Yes.

21 MR. PORTMAN: No further questions.

22 MR. CONRAD: Ask for a stipulation with
23 regard to those. Your Honor, with regard to the
24 transactions that were done themselves, not the bank
25 card, but as to the transactions we'll stipulate. I

1 guess they're already in at this point, so . . .

2 THE COURT: Except for the bank?

3 MR. CONRAD: The bank -- I will have
4 questions about the signature card. We would stipulate,
5 obviously, to the transactions that were already brought
6 in by the Commonwealth.

7 THE COURT: Okay. For the jury, let me just
8 remind you of one thing. In my opening comments to the
9 jury, I indicated that statements of counsel are not
10 evidence; however, there is an exception to that.

11 When counsel reaches a stipulation -- and a
12 stipulation meaning that all of the documents that she's
13 reported are the bank and are the bank's records, with
14 the exception of Number 40 at this point in time -- are
15 being accepted by both sides as legitimate and
16 appropriate bank records. So the stipulation allows
17 those to be in evidence even though there isn't going to
18 be further testimony about them.

19 And we may well hear some more stipulations
20 before the day's out. So I want you to understand that
21 it is evidence. They're agreeing that it's appropriate
22 evidence in regards to the items that they're stipulating
23 to.

24 Counsel.

25 MR. PORTMAN: No further questions, Your

1 Honor.

2 MR. CONRAD: Your Honor, may I approach?

3 THE COURT: You may.

4 CROSS-EXAMINATION

5 BY MR. CONRAD:

6 Q. Ma'am, you have I think it's marked as 40; is
7 that right?

8 A. Yes.

9 Q. If I can get that from you just for a second.
10 Now, you indicated that this Commonwealth's
11 40 is kept in the normal course of business; is that
12 correct?

13 A. Yes.

14 Q. And when is that particular document filled
15 out?

16 A. When they open the account.

17 Q. Okay. And when you say when they open the
18 account, that's whenever a new customer would open an
19 account; correct?

20 A. Yes. Even if it's a previous customer, every
21 new account you open, we make a new signature card.

22 Q. Okay. And your bank where you work at, where
23 do you work at?

24 A. Coatesville Savings Bank.

25 Q. Okay. Where's it located?

1 A. New Holland is the branch I work in.

2 Q. All right. And that's here in Lancaster
3 County?

4 A. Yes.

5 Q. You get many Mennonite, Amish folk that come
6 in there?

7 A. Yes.

8 Q. Lots?

9 A. Lots.

10 Q. Deal in cash a lot of times?

11 A. Yes or no, it just depends.

12 Q. Okay. Now, whenever someone fills out this
13 form you were just talking about, Commonwealth's 40 that
14 you have there, you would agree with me that nowhere on
15 that form is there any kind of warning as to how one
16 should put their money into a bank; is that correct?

17 A. No.

18 Q. Okay. And very much your bank is in the
19 trust business, right? You want people to come in and
20 entrust their monies to you; is that correct?

21 A. Yes.

22 Q. If you happen to see someone, for instance,
23 making transactions -- someone came in and made a couple
24 9,000-dollar deposits, would you take them aside and talk
25 to them, they ought not be doing that?

1 A. No, because when you have a currency
2 transaction report, like a suspicious activity, we're not
3 allowed to tell that we're filling out a suspicious
4 transaction report.

5 Q. But you don't have to fill one of those out
6 all the time; isn't that right?

7 A. My employer requires us to fill one out. If
8 we feel anything is suspicious, we are required to fill
9 it out.

10 Q. Okay. You're required to, but the
11 suspiciousness, that just comes from someone who just --
12 that's an opinion by someone at the bank; isn't that
13 right?

14 A. Well, I mean generally people don't bring in
15 lots of cash. So, yes, when the cash was brought in like
16 back to back to back and just underneath the 10,000 mark,
17 yes, I did feel as though that was suspicious.

18 Q. I'm not questioning you about that.

19 A. Okay.

20 Q. What I'm simply saying is that if you have a
21 customer and they happen to be doing something not quite
22 right, you just couldn't reach out to them and say, hey,
23 you can't do that?

24 A. I mean I guess we could have, but we did not.

25 Q. In this case nobody did that, right?

1 A. No.

2 Q. And no one said that he would potentially
3 face the loss of all his money; is that right?

4 A. No, I did not say that to him.

5 Q. All right. And, in fact, the government did
6 come in and literally take all his money out of that
7 account, didn't they?

8 A. Yes, they did.

9 Q. Do you have a total figure for that?

10 A. I don't here in front of me and I can't
11 remember what it was.

12 Q. Tens of thousands of dollars?

13 A. Yeah. It's been a couple years. I can't
14 remember what it was.

15 MR. CONRAD: Okay. Thank you. Nothing
16 further, Your Honor.

17 THE COURT: Any redirect, sir?

18 MR. PORTMAN: Just briefly.

19 REDIRECT EXAMINATION

20 BY MR. PORTMAN:

21 Q. Miss Forsythe, you're familiar with the Cash
22 Transaction Report?

23 A. Yes, I am.

24 Q. And when was a -- strike that.

25 Have you had training in the preparation of

1 the Cash Transaction Report?

2 A. Yes, I have.

3 Q. What does that training consist of?

4 A. I've been through seminars and like been
5 trained multiple times. I have to be trained every year
6 on it.

7 Q. Okay. Who requires that a financial
8 institution, such as a bank, prepare a cash transaction
9 report? Is it your bank or another agency?

10 A. No. Our bank does it and then we turn it
11 over to our BSA Department; and then where they go from
12 there, I'm not sure.

13 Q. And BSA refers to what?

14 A. Our Bank Secrecy Act.

15 Q. What is the triggering event where a
16 financial institution, such as a bank, must complete a
17 cash transaction report?

18 A. Anything over \$10,000.

19 Q. Cash transaction?

20 A. Yes.

21 Q. Including deposits and withdrawals?

22 A. Yes.

23 Q. Is it discretionary with a bank whether or
24 not to do a cash transaction report for amounts less
25 than 10,000 or -- 10,000 or less?

1 A. Well, if you do, you wouldn't do the cash
2 transaction report. Then it would be the suspicious
3 activity report.

4 Q. You would note various amounts being
5 deposited less than 10,000 --

6 A. Yes.

7 Q. -- on a form?

8 A. Yes.

9 MR. PORTMAN: Thank you. Nothing further.

10 THE WITNESS: You're welcome.

11 MR. CONRAD: No recross, Your Honor.

12 THE COURT: Thank you. You may step down.

13 MR. PORTMAN: Commonwealth would call Annie
14 Frackman.

15 ANNIE FRACKMAN,
16 called as a witness, having been duly sworn or affirmed,
17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. PORTMAN:

20 Q. Good afternoon. Would you please state your
21 first and last name and spell them for the record?

22 A. Annie, A-n-n-i-e, F-r-a-c-k-m-a-n.

23 Q. And, Miss Frackman, by whom are you employed?

24 A. Sterling Financial Corporation, which owns
25 Bank of Lancaster County.

 Q. How long have you been employed by Sterling

1 Financial?

2 A. Seventeen years.

3 Q. Have you always worked with the Bank of
4 Lancaster County?

5 A. Yes.

6 Q. I'm going to show you -- what are your duties
7 there?

8 A. I work in the Security Department and the
9 Compliance Department.

10 Q. And within those departments what are your
11 responsibilities?

12 A. Our responsibilities are to monitor accounts
13 and look for any type of suspicious activity or anything
14 that needs to be questioned or clarified.

15 Q. And that's with regards to financial
16 transactions performed for the bank?

17 A. Correct.

18 MR. PORTMAN: May I approach, Your Honor?

19 THE COURT: You may.

20 BY MR. PORTMAN:

21 Q. Miss Frackman, I've handed you a set of
22 documents that have been previously marked and identified
23 as Commonwealth's Exhibits 30 through 37-A. Would you
24 please look through those. Are you familiar with those
25 documents?

1 A. Yes, I am.

2 Q. Directing your attention to Exhibit 30, would
3 you please identify what that is?

4 A. That is a new account sheet.

5 Q. For your bank?

6 A. Correct.

7 Q. And can you tell us please in whose name that
8 account appears and the account number?

9 A. The account is for Levi L. Stoltzfoos and the
10 account number is 9020010147.

11 Q. Does it indicate when that was opened?

12 A. It was opened 3/10 of 2004.

13 Q. And is it signed by Mr. -- by someone
14 identified as Levi Stoltzfoos?

15 A. Correct.

16 Q. Those documents 30 through 37-A, are those
17 documents maintained in the ordinary course of business
18 by your bank?

19 A. Correct.

20 Q. Are those documents ones that were turned
21 over to the Office of the Attorney General through Agent
22 Licklider?

23 A. Correct.

24 Q. There's been questions asked previously on
25 this. Your bank is a community bank here in the local

1 community?

2 A. Correct.

3 Q. Number of different communities --

4 A. Yes.

5 Q. -- in Lancaster County?

6 A. Yes.

7 Q. Any other counties?

8 A. We have different banks under the Sterling
9 umbrella that deal in different counties, yes.

10 Q. With respect to Lancaster County, does your
11 bank have dealings with the Amish community and the
12 Mennonite community?

13 A. Yes.

14 Q. For business, personal accounts?

15 A. Both.

16 Q. And have you yourself had personal dealings
17 with the Amish or Mennonite community for banking
18 purposes?

19 A. Yes, when I worked in the branch.

20 MR. PORTMAN: Nothing further, Your Honor.

21 THE COURT: Cross-examination.

22 MR. CONRAD: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. CONRAD:

25 Q. Ma'am, you were speaking about the document

1 Commonwealth's 30; is that correct? Is that the
2 signature card?

3 A. That is correct.

4 Q. Okay. And that signature card, when is that
5 filled out?

6 A. I'm sorry?

7 Q. When is it normally filled out?

8 A. At the time of the account opening.

9 Q. So someone comes in, opens a new account,
10 they fill that out and start banking with you?

11 A. Correct.

12 Q. Okay. And looking at Commonwealth's 30 that
13 you have there in front of you, you'd agree with me
14 there's no warning on there anywhere about how one should
15 put their money in the bank; is that correct?

16 A. Correct.

17 Q. Okay. And, in fact, in this case with regard
18 to Levi Stoltzfoos, as he was putting his money
19 in, \$9,000 at a time or whatever it happened to be, no
20 one took him aside and said, sir, you can't do that;
21 right?

22 A. I don't know that I can answer that because I
23 don't know if anybody spoke to him about that.

24 Q. To your knowledge, though.

25 A. To my knowledge, no.

1 Q. Okay. All right. Did you deal with
2 Mr. Stoltzfoos yourself at the bank?

3 A. No.

4 Q. You did not?

5 A. No.

6 Q. Do you know anybody at the bank who did -- in
7 particular who dealt with him on this?

8 A. The tellers.

9 Q. The tellers. Okay.

10 MR. CONRAD: Court's indulgence for one
11 moment.

12 THE COURT: Yes.

13 BY MR. CONRAD:

14 Q. Now, I want to refer you to a statement --

15 MR. CONRAD: I'm sorry. Strike that, Your
16 Honor. Thank you. No further questions. Thank you,
17 ma'am.

18 MR. PORTMAN: You may step down.

19 One moment, Your Honor.

20 THE COURT: Many times you'll notice during
21 the course of the trial, counsel will be conferring. And
22 I can tell you that from a Judge's standpoint, the
23 conferences counsel are having are for the purpose of
24 speeding up the procedures. And you'll find that they
25 will do some stipulations as a result of this or limit

1 their questions, and so I encourage counsel. When they
2 speak, what they're doing should be of no interest to
3 you, but I can tell you it's all benefitting the
4 proceedings.

5 MR. PORTMAN: May we approach, Your Honor?

6 MR. CONRAD: In that same vein, may we
7 approach?

8 THE COURT: You may.

9 (A sidebar discussion was held off the
10 record.)

11 THE COURT: Many of the witnesses that we
12 have, as perhaps you as jurors, are professionals from
13 banks as you've understood at this point, and some of
14 those bankers are here perhaps out of order. This next
15 witness we're going to call would follow in the proper
16 sequence of things.

17 I assume she's from the Bank of Lancaster
18 County; is that correct?

19 MR. CONRAD: Yes. And, Your Honor, I'm
20 sorry. May I step outside just for a moment? I may need
21 to change up on that.

22 THE COURT: Yes. And it may be that the
23 defense will call somebody to keep the sequence going so
24 we don't have to then recall them again at a later time.
25 So I've given them that opportunity if they want to do

1 that. So if that happens, you'll see defense ask
2 questions first, then the Commonwealth, but that it's not
3 unusual. Again, it's for the purpose of trying to keep
4 going with the witnesses that we have present.

5 MR. CONRAD: Your Honor, after the Court
6 extended that courtesy to the defense, which we
7 appreciate, it appears we're going to hold off on that
8 right now. So I apologize.

9 THE COURT: No problem. Thank you.

10 MR. PORTMAN: We call Nadine McGarrity to the
11 witness stand.

12 NADINE MCGARRITY,
13 called as a witness, having been duly sworn or affirmed,
14 was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. PORTMAN:

17 Q. Would you please state your name and spell
18 your first and last names for the record?

19 A. Nadine McGarrity. N-a-d-i-n-e, M-c capital
20 G-a-r-r-i-t-y.

21 Q. And, Miss McGarrity, by whom are you
22 employed?

23 A. The Ephrata National Bank.

24 Q. And for how long have you been so employed?

25 A. Thirteen years.

Q. And prior to that were you in the banking

1 industry?

2 A. Yes, I was.

3 Q. Which bank?

4 A. Fulton Bank.

5 Q. And how long prior to joining Ephrata
6 National Bank?

7 A. Nine years at Fulton.

8 Q. And what are your -- what is your current
9 title with the bank?

10 A. Vice President Security.

11 Q. And what are your duties with the bank?

12 A. I'm responsible for the entire security
13 function and part of the BSA function.

14 Q. And BSA is the Bank Secrecy Act?

15 A. Yes.

16 Q. And do you have dealings with cash
17 transactions reports?

18 A. Yes, I do.

19 Q. And you also have, as part of your duties,
20 responsibilities for the internal bank records?

21 A. Yes.

22 MR. PORTMAN: If I may approach the witness,
23 Your Honor?

24 THE COURT: You may.

25 BY MR. PORTMAN:

1 Q. Miss McGarrity, I've shown you what have been
2 previously marked as Commonwealth's Exhibits 50
3 through 55. Would you please review those. Do you
4 recognize those?

5 A. Yes.

6 Q. With respect to Exhibit 50 -- Commonwealth's
7 Exhibit 50, can you please tell us what that is?

8 A. It's the new account signature card, the new
9 account agreement.

10 Q. And is that for a particular person?

11 A. Pardon me?

12 Q. Who is that for?

13 A. Levi Stoltzfoos. Levi L.

14 Q. Can you please give us the date it was opened
15 and the account number?

16 A. It was opened January 9th of 2006 and the
17 account number is 882011.

18 Q. And the remaining Exhibits 51 through 55, can
19 you tell us what those are?

20 A. Exhibit Number 51 is a new account deposit.
21 It was the opening deposit for the account.

22 Q. And do the balance of those documents also
23 reference deposits?

24 A. Yes. Yes.

25 Q. And are those documents 50 through 55, are

1 those exhibits kept in the ordinary course of business by
2 your bank?

3 A. Yes.

4 Q. Were they produced to the Commonwealth
5 through Agent Licklider?

6 A. Yes.

7 Q. With respect to your bank, does your bank
8 have any professional dealings or institutional dealings
9 with the Amish or Mennonite communities?

10 A. Yes, we do.

11 Q. And do they maintain accounts with your
12 banks?

13 A. Yes.

14 MR. PORTMAN: Nothing further. Thank you.

15 THE COURT: Cross-examination.

16 MR. CONRAD: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. CONRAD:

19 Q. Good afternoon, ma'am.

20 A. Good afternoon.

21 Q. Ma'am, this card is still filled out when
22 someone just starts -- signature card -- I'm sorry -- on
23 Commonwealth's 50, that would be filled out when someone
24 opens a new account; is that correct?

25 A. Yes, that's correct.

1 Q. And you would agree with me there's nothing
2 on that document that would warn someone how they should
3 or should not put their money in the bank; is that
4 correct?

5 A. That's correct.

6 Q. And your bank, like in this case, you happen
7 to see someone who happens to be putting their money in
8 -- structuring, if you would -- \$9,000 at a time, did
9 anyone approach Mr. Stoltzfoos and say, don't do that?

10 A. Not that I'm aware of, but I don't know. I
11 wasn't with the tellers.

12 Q. To your knowledge, though.

13 A. To my knowledge, no.

14 Q. Okay. All right. And you said you also
15 handle security for the bank; is that correct?

16 A. Yes, that's correct.

17 Q. As part of your dealings with this case, you
18 had a chance to review some of the monies; correct?

19 A. Not the money, the straps.

20 Q. Okay, the straps.

21 A. The teller sent the straps to me.

22 Q. Okay. And those straps were from 1999,
23 correct?

24 A. That's correct.

25 Q. And you also found like an odor or musty

1 smell on the money; is that correct?

2 A. That's correct.

3 Q. All right. I guess one other thing. Total
4 -- you're with Ephrata National, right?

5 A. That's correct.

6 Q. The government actually seized somewhere in
7 the neighborhood of \$48,200; is that correct?

8 A. I think it was slightly more than that, but
9 that's correct.

10 MR. CONRAD: All right. Thank you.

11 MR. PORTMAN: No further questions.

12 THE COURT: You may step down, ma'am.

13 MR. PORTMAN: Commonwealth would call Elaine
14 Shope, Your Honor.

15 ELAINE SHOPE,
16 called as a witness, having been duly sworn or affirmed,
17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. PORTMAN:

20 Q. Good afternoon. Would you please state your
21 first and last names and spell both for the record?

22 A. Elaine Shope.

23 Q. Spell your first and last name.

24 A. Oh, spell it. E-l-a-i-n-e, S-h-o-p-e.

25 Q. And by whom are you employed?

A. Fulton Bank.

1 Q. And how long have you been employed by them?

2 A. Twenty-nine years.

3 Q. And what is your job description with them?

4 A. Branch manager.

5 Q. And what are your duties?

6 A. I'm responsible for running the Greenfield
7 office today.

8 Q. Does that entail being responsible for
9 internal bank documents?

10 A. Yes.

11 Q. Deposit tickets, new account cards, so forth?

12 A. Yes.

13 MR. PORTMAN: May I approach, Your Honor?

14 THE COURT: You may.

15 MR. PORTMAN: Thank you.

16 BY MR. PORTMAN:

17 Q. I've just handed you what have been
18 previously marked and introduced as Commonwealth's
19 Exhibits 60 through 66-A. Would you please look through
20 those?

21 A. Okay.

22 Q. Are you familiar with those documents?

23 A. Yes.

24 Q. Directing your attention to Commonwealth's
25 Exhibit 60, can you please tell us what that is?

1 A. It's a new account form.

2 Q. And is this for -- who is the new account
3 for?

4 A. It's for Levi L. Stoltzfoos.

5 Q. Does it indicate when it was opened?

6 A. Yes.

7 Q. When was that?

8 A. March 18th, 2004.

9 Q. And the account number on that account?

10 A. 3622-68587.

11 Q. And Exhibits 61 through 66-A, are you
12 familiar with those documents?

13 A. Yes.

14 Q. And they represent deposit information on
15 cash deposits into that account; is that correct?

16 A. Yes.

17 Q. And with respect to those exhibits 60 through
18 66-A, are they maintained in the ordinary course of the
19 bank's business?

20 A. Yes.

21 Q. That particular account?

22 A. Yes.

23 Q. Were they provided to the Office of the
24 Attorney General through Agent Licklider?

25 A. Yes.

1 Q. Thank you.

2 One other question. With respect to the
3 bank, your particular branch is located where?

4 A. Where I am today?

5 Q. Yes.

6 A. Greenfield.

7 Q. And are there bank branches other than
8 Greenfield that are located in Lancaster County?

9 A. Yes.

10 Q. Does your bank have business dealings or
11 personal dealings with members of the Amish and Mennonite
12 communities?

13 A. Yes.

14 MR. PORTMAN: Thank you very much.

15 CROSS-EXAMINATION

16 BY MR. CONRAD:

17 Q. Good afternoon, ma'am.

18 A. Hello.

19 Q. In those dealings, a lot of cash transactions
20 with Amish folks?

21 A. Yes.

22 Q. Okay. And this what's in front of you right
23 now, Commonwealth 60, I believe -- is that the top
24 document there?

25 A. Yes, it is.

1 Q. It's a signature card; is that correct?

2 A. Yes.

3 Q. One would fill that out when one comes in to
4 open a new account, correct?

5 A. Correct.

6 Q. You'd agree with me there's nothing on
7 Commonwealth's 60 there in front of you that would give a
8 new customer any idea how to or not to put their money in
9 the bank; is that correct?

10 A. Correct.

11 Q. Okay. And if you had a customer that
12 happened to be putting money in, like in this case with
13 Mr. Stoltzfoos, he was putting money in \$9,000 at a time,
14 did anybody approach him -- in fact, nobody approached
15 him and said, hey, you can't do that?

16 A. I couldn't answer that. I don't know.

17 Q. Okay. Fair enough.

18 In this particular instance, all the money
19 that was in his accounts, it was all seized by the
20 government; is that correct?

21 A. I don't know that.

22 Q. You don't know that at all?

23 A. I don't.

24 MR. CONRAD: Okay. Fair enough. Thank you,
25 ma'am.

1 THE WITNESS: Okay.

2 MR. PORTMAN: No further questions, Your
3 Honor.

4 THE COURT: You may step down. Thank you.

5 MR. PORTMAN: Commonwealth would call Lana L.
6 Neff to the stand, Your Honor.

7 LANA L. NEFF,
8 called as a witness, having been duly sworn or affirmed,
9 was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. PORTMAN:

12 Q. Good afternoon. Would you please state your
13 first and last names and spell both for the record?

14 A. My name is Lana Neff. It's L-a-n-a, N-e-f-f.

15 Q. And Miss Neff, by whom are you employed?

16 A. Graystone Bank.

17 Q. And how long have you been employed by them?

18 A. Two-and-a-half years.

19 Q. And prior to that were you employed in the
20 banking industry?

21 A. Yes, I was. I worked for Blue Ball National
22 Bank for 26-and-a-half years.

23 Q. What are your current duties with Graystone
24 Bank?

25 A. I am the Branch Sales Manager.

Q. And do you work at a particular branch?

1 A. I work at the Meadowbrook Office in Leola.

2 Q. What are your duties there?

3 A. I just oversee the branch's daily activities
4 and opening of new accounts and the lending function.

5 Q. And are you familiar with the internal forms
6 generated by the bank?

7 A. Yes, I am.

8 MR. PORTMAN: May I approach, Your Honor?

9 THE COURT: You may.

10 BY MR. PORTMAN:

11 Q. Miss Neff, I handed you what have been
12 previously marked and identified as Commonwealth's
13 Exhibits 70 through 75-A. Please take a minute and look
14 through those.

15 Have you had a chance to look through those?

16 A. Yes.

17 Q. Are you familiar with those documents?

18 A. Yes, I am.

19 Q. Directing your attention to Commonwealth's
20 Exhibit 70, can you please identify what that is?

21 A. This is a signature card for the opening of a
22 checking account in our bank.

23 Q. And for which customer?

24 A. For Levi Stoltzfoos.

25 Q. And when was that opened?

1 A. That was opened January 14th, 2006.

2 Q. And what account number is that?

3 A. The account number is 210002077.

4 Q. And did you open that account?

5 A. Yes, I did. It's a money market account.

6 Q. And with respect to the remaining Exhibits 71
7 through 75-A, do they pertain to deposit records of cash
8 deposits into that account?

9 A. Yes, they do. They're all deposit tickets
10 crediting his money market account, and they're all cash
11 deposits.

12 Q. Does your bank, Graystone Bank, have dealings
13 with members of the Amish and Mennonite communities?

14 A. Absolutely, yes.

15 Q. Both business and non-business accounts?

16 A. Yes.

17 Q. And when that account was opened, was
18 Mr. Stoltzfoos present, in your presence?

19 A. Yes. He opened the account.

20 Q. Okay. Is he in here today?

21 A. Yes, he is.

22 Q. Can you identify him for us, please?

23 A. That's him right over there.

24 MR. PORTMAN: Indicating the defendant to the
25 right of defense counsel. Thank you.

1 THE WITNESS: You're welcome.

2 CROSS-EXAMINATION

3 BY MR. CONRAD:

4 Q. Miss Neff, relax, really. You're very tense.
5 Relax. Going to be just fine.

6 A. I was in a hurry to get here.

7 Q. With regard to that account, when you -- and
8 you have it in front of you there, I guess it's
9 Commonwealth's 70; is that correct, ma'am?

10 A. Yes.

11 Q. And Commonwealth's 70, you give that to
12 anyone who opens up a new account; is that correct?

13 A. This new account signature card, yes.

14 Q. And you would agree with me that on
15 Commonwealth's 70, there's nothing indicating to a new
16 client how they should or should not put money in the
17 bank; is that correct?

18 A. On the signature card?

19 Q. Right.

20 A. No.

21 Q. Okay. And if, like in this case, if you
22 happened to see a customer that's putting in money under
23 the limit, they're not supposed to?

24 A. Correct.

25 Q. Did anyone ever approach him and say, hey,

1 you can't do that?

2 A. No. We're not allowed to do that. That's
3 not something that we're supposed to do.

4 Q. Not supposed to do?

5 A. Right. It's something that I wouldn't do.

6 Q. Okay. All right. That's fair enough.

7 In this particular case, the government
8 seized all his assets through your bank, correct --

9 A. Yes.

10 Q. -- that were in your bank? To the tune of
11 some 47,000 -- \$47,800?

12 A. I think that was about correct.

13 MR. CONRAD: Okay. Very well. Thank you.
14 Nothing further, Your Honor.

15 MR. PORTMAN: Nothing further, Your Honor.
16 Commonwealth will call Linda Lane, Your
17 Honor.

18 LINDA LANE,
19 called as a witness, having been duly sworn or affirmed,
20 was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. PORTMAN:

23 Q. Good afternoon.

24 A. Good afternoon.

25 Q. Would you please spell your first and last
name and state them for the record?

1 A. Sure. L-i-n-d-a. Last name, L-a-n-e.

2 Q. Linda Lane?

3 A. Correct.

4 Q. By whom are you employed?

5 A. M&T Bank.

6 Q. And for how long have you been employed by
7 them?

8 A. Eight years.

9 Q. And prior to that did you have banking
10 experience?

11 A. No.

12 Q. With respect to your current position, what
13 do you do?

14 A. I'm a branch manager.

15 Q. And how long have you been a branch manager?

16 A. Eight years.

17 Q. And what are your duties as a branch manager?

18 A. I cover everything from operations to
19 relationship management, customer service and teller
20 work.

21 Q. Are you familiar with the internal documents
22 generated by the bank?

23 A. I am.

24 MR. PORTMAN: If I may approach, Your Honor?

25 BY MR. PORTMAN:

1 Q. Miss Lane, I've handed you what have been
2 previously identified as Commonwealth's Exhibits 80
3 through 83. Would you please look through those? Have
4 you had a chance to look through those?

5 A. I did.

6 Q. Do you recognize those documents?

7 A. I do.

8 Q. I'd like to direct your attention to
9 Exhibit 80. Can you please tell us what that is?

10 A. This is our account opening document.

11 Q. And for which account holder is that?

12 A. This is for Levi L. Stoltzfoos.

13 Q. And can you tell us when that was opened and
14 the account number?

15 A. Sure. The account opening date would be
16 January 9th of 2006. The account number is 15 double
17 zero 4213706938.

18 Q. And if you would please again refer to
19 Exhibits 81 through 83. And those reference cash -- the
20 deposit statements into the account?

21 A. That is correct.

22 Q. And with respect to Exhibits 80 through 83,
23 are they kept in the ordinary course of the bank's
24 business?

25 A. I'm sorry, I can't hear.

1 Q. Sorry. Those Exhibits 80 through 83, are
2 they kept in the ordinary course of the bank's business?

3 A. Yes.

4 Q. And were those turned over to the Attorney
5 General's Office through Agent Licklider?

6 A. Yes.

7 Q. M&T Bank has branches in Lancaster County?

8 A. That is correct.

9 Q. From your personal experience, do you know
10 whether or not the bank has relationships, personal
11 and/or business, with the Amish or Mennonite communities?

12 A. We most certainly do.

13 MR. PORTMAN: Thank you. No further
14 questions.

15 CROSS-EXAMINATION

16 BY MR. CONRAD:

17 Q. Good afternoon, ma'am.

18 A. Good afternoon.

19 Q. The signature card that you have there in
20 front of you --

21 A. Mm-hmm.

22 Q. -- on Page 8 -- I guess it's labeled Page 8;
23 is that correct? Commonwealth's 80. I'm sorry.

24 A. You mean the account Exhibit 80?

25 Q. Yes. I'm not being very clear at all. It's